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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,786	02/04/2002	Morgan D. Murphy	DP-304694	2218

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,786

Applicant(s)

MURPHY ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Norton, 6364352.

3. As per claims 1 and 2, Norton discloses comparing a filtered version of said output signal to a threshold having a default value corresponding to a predetermined occupant weight under a given set of conditions, determining a value of a parameter that affects the magnitude of said output signal, adjusting the threshold above or below the default value when the determined value is outside a predetermined range of values, allowing deployment of said restraint when the filtered version of said output signal is above the threshold, and suppressing deployment of said restraint when the filtered version of said output signal is below the threshold on lines 8-24, on column 15, lines 4-16, on column 16, and lines 1-20, on column 17; measuring a vertical acceleration of the vehicle, determining a value of the free mass based on a variation of the signal with respect to a variation of the measure vertical acceleration, adjusting the threshold below said default value when the determined value of the free mass is above

a predetermined range of free mass values corresponding to an average weight occupant, and adjusting the threshold value above the default value when the determined value is below the predetermined range of the free mass value on lines 2-16, on column 16.

4. As per claim 3, Norton discloses sampling output signal values and computing an average of the sampled values, identifying sampled output signal values that are within a specified percentage of the average, computing a first variance of the identified output signals, computing a second variance of the measured vertical acceleration and determining the value of the free mass according to a ration of the first and second variance on lines 3-43, on column 16.

5. As per claim 5, Norton discloses measuring the tension of the seat belt and adjusting the threshold above the default value when the measures tension is above a predetermined normal range on lines 1-10, on column 7.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton, 6364352, in view of Wallace, US 2003/0040858.

8. Norton discloses the limitations as set forth above. Norton does not disclose measuring a vehicle run time and delaying the step of determining the value of the free

mass until the measured run time reaches a predetermined threshold; measuring the temperature and adjusting the threshold below the default value when the measured temperature is below a predetermined normal range. Wallace teaches measuring a vehicle run time and delaying the step of determining the value of the free mass until the measured run time reaches a predetermined threshold in paragraphs 250-252; and measuring the temperature and adjusting the threshold below the default value when the measured temperature is below a predetermined normal range in paragraphs 99, 143, and 250. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the delay time and temperature measurement of Wallace in the invention of Norton because such modification would prevent bad measurements occupants that are still getting comfortable and environmental changes as stated in Wallace.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Breed et al., 6242701, disclose apparatus and method for measuring weight of an occupying item of a seat.
11. Rennaker et al., 2003/0004628, disclose vehicle occupant characterization method with rough road compensation.
12. Gray et al., 6542802, disclose vehicle occupant characterization method with rough road compensation.
13. Okamura et al., 2003/0060957, disclose passenger detecting apparatus.


14. Know, 2003/0071444, disclose load management system and method for motor vehicle restraints.
15. Winkler et al., 2003/0085557, disclose vehicle occupant weight classification system.
16. Lichtinger et al., 2002/0043789, disclose weight classification system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB



WILLIAM A. CUCHLINSKI, JR.
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